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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,467	09/04/2001	Harold F. Hynes		3259

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Harold F. Hynes  
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EXAMINER

CHANG, SABRINA A.

PASS, NATALIE

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 06/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/945,467

Applicant(s)

HYNES, HAROLD F.

Examiner

Natalie A. Pass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### *Specification*

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### *Arrangement of the Specification*

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

### *Content of Specification*

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should

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be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.

- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.

- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

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- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet (37 CFR 1.52(b)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

2. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

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Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

### *Specification Objections*

3. The disclosure is objected to because of the following informalities: drawings may not be included in the specification. When there are drawings, there shall be a brief description of the several views of the drawings and the detailed description of the invention shall refer to the different views by specifying the numbers of the figures and to the different parts by use of reference letters or numerals (preferably the latter). Appropriate correction is required.

4. The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery. More than one claim may be presented provided they differ substantially from each other and are not unduly multiplied. The claims submitted in the present application do not comply with 37 CFR 1.75.

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

- Claim 1 recites the limitation "the purchaser, vendor and bank " in line 1.
- Claim 2 recites "the document" and "these actions" in line 1 and "the purchasing transactions" in line 3.
- Claim 3 recites "the delivery" and "the merchandise" in line 1.

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Other claims, which are not listed, also contain language that results in insufficient antecedent basis. The applicant is encouraged to review the claim language to find other instances of lack of antecedent basis in the claims.

### *Claim Objections*

6. The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

### *Claim Rejections - 35 USC § 112*

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-16 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

Moreover, claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. This makes it difficult to determine the exact scope of the claims. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative

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device. The claim(s) must be in one sentence form only. With respect to proper format of claims, attention is directed to the format of the claims in the enclosed patents.

Regarding claim 9, the word "could" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 2, 4-6, 8, 15, 16 are rejected under 35 U.S.C. 102(b) as being as being anticipated by Barnes et al, U.S. Patent Number 5, 970, 475.

Regarding claims 1, 2, 4, 5, Barnes teaches an electronic computer system utilizing a business document, which sometimes takes on the form of an invoice (see at least Abstract, column 4, lines 1-4), and which travels electronically to and between participants purchaser, vendor and bank in ordering, purchasing, shipping, receiving and paying for merchandise secured by a purchasing organization from a vendor, and paying to the vendor's bank, providing quick reference for all participants, and use in auditing the purchasing transactions (see at least Abstract, Figure 8, column 1, lines 13-14, column 11, lines 10-11, 16-22, column 25, lines 41-63), and in which electronic signatures are used to authenticate participants (column 18, lines 62-65).



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Regarding claims 6, 8, Barnes discloses the purchaser paying the vendor only for the acceptable items received (column 1, lines 11-14, column 27, lines 1-5, column 28, lines 32-37) with the computer instructing the purchaser's bank to send payment to the vendor's bank without any individual's participation.

Regarding claims 15, 16, as interpreted by this examiner, Barnes teaches a customer and supplier system that enables an electronic session for ordering and filling orders for goods (column 4, lines 21-26) and fulfils the need for a system that will reduce the amount of paper required to be handled (column 1, lines 52-56, column 24, lines 21-23, 39-42) and which includes instructions to send the payment directly to vendor's bank (column 3, lines 39-43, 66-67, column 4, lines 1-4) after delivery of goods/services and issuance of an invoice.

Barnes also teaches the purchaser's system wiring the bank an authorization for the bank's payment account to process all the payments (column 17, lines 50-61), exceptions notification (column 17, lines 63-67), and electronic signatures to authenticate the sender (column 14, lines 59-67).

11. Claim 3 is rejected under 35 U.S.C. 102(b) as being as being anticipated by Roach, et al, U.S. Patent Number 5, 583, 759.

Regarding claim 3, Roach teaches an electronic control system that serves to schedule the delivery of the merchandise on the basis of the requested delivery date (Figure 4e, column 5, lines 62-67), allowing time for delivery, and providing a supporting system for timing and content problems (Figure 3c, column 7, lines 16-35) to be solved through an electronic action change request (column 15, lines 1-53), coupled with an open tracking system (column 17, lines

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34-46) which continually follows the timing and completion of the several action steps (Figure 6, Item 600), for possible awareness of delays and the need for corrective action.

12. Claim 7 is rejected under 35 U.S.C. 102(b) as being as being anticipated by Brumley, et al, International Publication Number WO 99/10850 A1.

Regarding claim 7, Brumley teaches providing the purchaser an opportunity to arrange a 30-day payment schedule with a vendor (page 8, lines 1-4) to fit into the purchaser's cash flow position.

13. Claim 9 is rejected under 35 U.S.C. 102(b) as being as being anticipated by Geer, U.S. Patent Number 5, 583, 759.

Regarding claim 9, Geer teaches organizations that outsource any or all of their programs to other organizations (column 5, lines 3-7).

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters et al, U.S. Patent Number 5, 884, 284 in view of Kuzma U.S. Patent Number 5, 771, 355

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Regarding claims 10-14, Peters teaches a system that lends itself to easily make the necessary accounting entries electronically, in which worksheets or spreadsheets are made part of the system, available for keeping track of order data, account (s) to be charged for the items purchased (column 37, lines 7-10) and other data variables and for regular updating, and stored in stored data banks available for reference and auditing (column 6, line 3, column 33, lines 38-44). Peters also teaches management control reports generated and offered as possible assists to management (column 37, lines 7-19).

Peters does not teach worksheets traveling with the document.

Kuzma teaches worksheets traveling or being transmitted with the document (column 1, lines 35-40, column 13, lines 40-42, 54-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Peters to include transmission of worksheets or spreadsheets as taught by Kuzma, in order to enable the information to be distributed inexpensively, in a timely fashion, and efficiently to purchasers.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The two article references teach the environment of transmitting and managing electronic documents online, however fail to disclose all the limitations claimed.

Ariba ORMS Supplies The Goods. Dodd, Jeff. HP Professional, v12, n11, p9(1), Nov, 1998. [retrieved on June 12, 2002].

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Touring NPEM 1999: Information technologies for maintenance management show promise, innovation. Singer, Tom. Plant Engineering, 53, 5, 47(1). May 31, 1999. [retrieved on June 12, 2002].

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (703) 305-3980. The examiner can normally be reached on M-Th from 9:00 to 6:00.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins, can be reached on (703) 308-1344. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

19. Any response to this action should be mailed to:

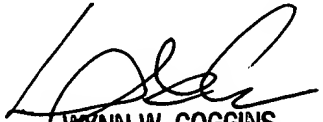
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*Washington D.C. 20231*

or faxed to: (703) 305-7687.

After Final communications should be labeled "Box AF."

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

  
WYNN W. COGGINS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

Natalie A. Pass

June 13, 2002

NP